

ENTERED

October 25, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FEDERAL TRADE	§	CIVIL ACTION No
COMMISSION,	§	4:24-cv-02508
Plaintiff,	§	
	§	
	§	
vs.	§	JUDGE CHARLES ESKRIDGE
	§	
	§	
TEMPUR SEALY	§	
INTERNATIONAL INC	§	
and MATTRESS FIRM	§	
GROUP INC,	§	
Defendants.	§	

MINUTE ENTRY AND ORDER

Minute entry for STATUS CONFERENCE before Judge Charles Eskridge on October 24, 2024. All parties present and represented by counsel by video.

The Court addressed a status-report email in which Defendants raise concerns about the amount of exhibits and deposition designations recently shared by the FTC.

It was ORDERED that, if the parties want a copy of the email made part of the record, they must submit to the Case Manager a redacted copy suitable for filing on the public docket.

As to exhibits, the concern is the work necessary to timely make objections and confidentiality designations. The parties noted in this regard that they were finalizing and intending to exchange witness lists in the near term that indicate good-faith estimate of the order in which witnesses will be called.

With respect to the evidentiary hearing, it was ORDERED that the parties will identify in good faith exhibits

that may be used with each witness at least seventy-two hours prior to such witness being called.

As to confidentiality designations, the parties were also ORDERED to confer in good faith as to portions of voluminous exhibits that will be the focus of inquiry and thus require attention on designation.

As to expert witness, the Court clarified that it intends to admit exhibits only to the extent used in a substantive manner with an expert.

As to deposition designations, various approaches to limiting the overall quantity within reasonable limits were discussed. The Court expressed its view that a single time limit on designations would be useful, with discretion afforded the parties to allocate that time among those designated.

The parties were ORDERED to confer and seek agreement on recommended time limits for designations by each side.


The parties were also ORDERED to confer and seek agreement on efficient procedure for handling any sealed portions of testimony at the evidentiary hearing.

Additional matters were taken up and addressed during a sealed portion of the hearing.

A further status conference will be scheduled by the Case Manager in consultation with the parties for mid/late next week.

SO ORDERED.

Signed on October 24, 2024, at Houston, Texas.


Hon. Charles Eskridge
United States District Judge